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Security Council

General
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Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya

Note verbale dated 17 August 2018 from the Permanent Mission of Georgia to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Georgia to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya and has the honour to transmit herewith information concerning the implementation by the Government of Georgia of the provisions and measures of Security Council resolutions 1970 (2011), 1973 (2011), 2146 (2014) and 2174 (2014), modified in resolutions 2009 (2011), 2040 (2012), 2095 (2013), 2144 (2014), 2213 (2015), 2278 (2016), 2292 (2016), 2357 (2017) and 2362 (2017) (see annex).

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Annex to the note verbale dated 17 August 2018 from the Permanent Mission of Georgia to the United Nations addressed to the Chair of the Committee

Report of Georgia on the implementation of Security Council resolutions 1970 (2011), 1973 (2011), 2146 (2014) and 2174 (2014)

In December 2011, the Inter-Agency Commission on the implementation of Security Council resolutions was set up by the Government of Georgia for the effective implementation of Council resolutions. In July 2016, the mandate of the Chairperson of the Commission was transferred to the Secretary of the State Security and Crisis Management Council.

Institutional changes came into force in February 2018 by governmental decree No. 93, under which the Commission was again chaired by the Minister of Justice, with assistance from the secretariat (the Public International Law Department of the Ministry of Justice), with a view to keeping State institutions updated on the measures adopted by the Security Council. The Commission brings together the following State institutions: the Prosecutor's Office; the Ministry of Internal Affairs; the border police (a State institution under the Ministry of Internal Affairs); the Ministry of Defence; the Ministry of Foreign Affairs; the Ministry of Finance; the Revenue Service and the Financial Monitoring Service, both of which are legal entities under public law; the Ministry of Economy and Sustainable Development; the Ministry of Environmental Protection and Agriculture; the State Security Service; the Counter-Terrorism Centre of the State Security Service; the Intelligence Service; the National Security Council; and the National Bank.

The Commission conducts its work in three major areas:

(a) Asset freezes;

(b) Travel bans;

(c) Arms embargoes on individuals and legal entities suspected of terrorism and so designated in Security Council resolutions.

The Commission is mandated to decide upon the freezing of assets of persons designated in Security Council resolutions related to terrorism, including resolutions concerning Libya.

Besides this mandate, the Commission is authorized to implement Council resolution 1373 (2001) upon the request of third parties or to make a national list of terrorism-related persons and implement sanctions against designated persons.

The freezing of assets of designated persons is regulated by the Administrative Procedure Code. Special chapter VIII8 of the Code introduces the procedures for freezing the property of terrorism-related persons. According to established practice, the secretariat of the Commission updates daily the list of designated individuals and legal entities on the basis of the information (listing and delisting) that appears on the website of the sanctions committees. The Commission immediately sends a motion to the Administrative Chamber of Tbilisi City Court to freeze the assets of the individuals and legal entities designated by the Security Council in its resolutions; the Court then reviews the motion without delay and without an oral hearing (art. 2132, para. 1, of the Code) and issues an order to freeze the financial assets. The Court only technically examines whether the person indicated in the motion is designated by the Council. The Court does not substantively review the case to determine whether the listed person is connected to terrorism. The Court's order is sent to the National Bureau of Enforcement, an agency responsible for implementing the Court's decisions on the

freezing of assets of designated persons. The Bureau lists all persons mentioned in the Court's order in the Debtor Register, which is a systematized electronic database containing a list of individuals and legal entities. It is publicly available and accessible on the Bureau website (https://debt.reestri.gov.ge/main.php?s=1).

Lists of all persons included in the Debtor Register are accessible to State registration agencies, banks and other monitoring entities. Supervisory authorities[1] and monitoring entities[2] systematically check debtor lists and receive updates on designated persons.

The Commission's mandate also covers informing relevant State institutions of the arms embargo and travel ban updates issued by relevant Security Council sanctions committees. The task force is in charge of the implementation of embargo and travel ban sanctions under article 5 of governmental decree No. 487. The task force is chaired by the Minister of Justice and brings together all relevant agencies:

(a) Ministry of Defence;

(b) Ministry of Internal Affairs;

(c) Ministry of Finance (Customs Department);

(d) Ministry of Foreign Affairs;

(e) Ministry of Economy and Sustainable Development (the Maritime Transport Agency, which is a legal entity under public law);

(f) State Security Service.

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[1] The National Bank — for commercial banks, currency exchange bureaux, non-bank depository institutions and microfinance organizations, entities performing money remittance services, broker companies and securities' registrars, and insurance companies and non-State pension scheme founders; the Ministry of Finance — for entities organizing lotteries and other commercial games, entities engaged in activities related to precious metals, precious stones and products thereof, as well as antiques, the Revenue Service, leasing companies, and entities engaged in the extension of grants and charity assistance; the Ministry of Justice — for notaries and the National Agency of Public Registry; the organization created on the basis of Georgian legislation that is a member of the International Federation of Accountants — for persons conducting accountancy and/or auditor activities as defined in Georgian legislation.

[2] Commercial banks, currency exchange bureaux, non-bank depository institutions and microfinance organizations; entities performing money remittance services; broker companies and securities' registrars; insurance companies and non-State pension scheme founders; entities organizing lotteries and other commercial games; entities engaged in activities related to precious metals, precious stones and products thereof, as well as antiques; the Revenue Service (a legal entity under public law of the Ministry of Finance); entities engaged in the extension of grants and charity assistance; notaries; the National Agency of Public Registry (a legal entity under public law); persons conducting accountancy and/or auditor activities as defined in Georgian legislation; leasing companies.